

## REMARKS

The Examiner has identified in the application the following patentably distinct species of the invention:

- I. Species I shown in Fig. 1 and having a sensor positioned between a compressor and a cooling system;
- II. Species II shown in Fig. 2 and having the sensor positioned downstream of the cooling system;
- III. Species III shown in Fig. 3 and including a secondary heat exchanger; and
- IV. Species IV shown in Fig. 4 and including a separator tank.

The Examiner has required election of one of the species for continued prosecution. In response to the restriction requirement, Applicants elect with traverse to prosecute Species I including claims 1-4, 6-9, 14-18, and 22. Applicants have cancelled the claims of Species II (claim 5) and have withdrawn the claims directed to Species III and Species IV (claims 10-13 and 19-22). Applicants reserve the right to file applications directed to the cancelled and/or withdrawn claims of the non-elected species.

Applicants disagree with the classification of Fig. 3 and Fig. 4 as separate species as the differences illustrated in these figures are not mutually exclusive and could be applied to either of Species I or Species II. Figs. 1 and 2 are simple schematic diagrams of compressor systems including a sensor in one of two positions. Figs. 3 and 4 are more detailed schematic illustrations of compressor systems that illustrate additional components that can be included in the compressor system of Fig. 1 or Fig. 2. For example, Fig. 3 includes the compressor system illustrated in Fig. 2 and could have included the compressor system of Fig. 1 if desired. Similarly, Fig. 4 includes the compressor system illustrated in Fig. 1 and could have included the compressor system of Fig. 2 if desired. The addition of a secondary heat exchanger, a separator tank, etc. can be made regardless of the position of the sensor and, as such do not amount to a different species.

The Examiner argues that the identified species are unique because each requires a different search. However, this argument could be applied to nearly any dependent claim that adds new structure to an independent claim. Because the structure illustrated in Figs. 3 and 4 could be employed in either the species of Fig. 1 or the species of Fig. 2, Applicants contend they are not different species of the invention.

In light of the foregoing, Applicants respectfully request the withdrawal of the species restriction with regard to Figs. 3 and 4. Applicants further request that claims 10-13 and 19-22, which are directed to Species III and Species IV also be Examined with claims 1-4, 6-9, 14-18, and 22.

### CONCLUSION

Applicants elect, with traverse to prosecute the embodiment of Species I including claims 1-4, 6-9, 14-18 and 22. Applicants also respectfully request the withdrawal of the species restriction with regard to Figs. 3 and 4 and the examination of claims 10-13 and 19-22 with claims 1-4, 6-9, 14-18 and 22.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TL J Offerlee', written over the printed name.

Thomas J. Offerlee  
Reg. No. 48,652

Docket No.: 065424-9100-01  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108

(262) 956-6523